

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

JANUARY 7, 2009

The Regular Meeting of the Council of Commissioners was called to order Wednesday, January 7, 2009 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb

ROLL CALL

12 present, 0 absent

PRAYER

Commissioners were led in prayer by Commissioner Frasz.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

We had an NRD meeting on Monday to go over the new road map that has been in the works since May. There was a push to have a new way that we would look at the NRD Program in a way that things along the Clark Fork River basin would be funded. It was put on hold and then right before Christmas the Governor moved to have the road map with the public comments in a new format and then asked that it be adopted and come to consensus with the Advisory Council by the end of January. Due to some scheduling conflicts with the Advisory Council members they moved that to January 5th. We were somewhat successful in our pitch to try and get some things changed. We wanted to see the contingency that was initially set at 5% - we wanted that to be moved to 10%. The percentage was to come out of grants program. I did make a motion that we would increase the contingency from 5 to 10% and that it would come across everything that was in Tier Three. That was voted for and we did prevail. We took a position on the Silver Bow Creek restoration that if any of the money was left over that it would be spent in the Silver Bow Creek Watershed. We did not prevail on that.

That money is going to be put back into the pot and everybody along the Clark Fork River Basin and other projects will have a chance to go after those funds. The reason that we argued that the money should stay from Warm Springs ponds all the way up to Butte was because it should be based on the location, the severity of the damage and the permanency of the damage. We were successful with the Greenway. We were able to get the funding from 2.5 million to 6 million. The one thing that we wanted to be put into that language is that the Greenway would be fully funded. The Greenway is different from the other projects because it is an institutional control. It serves more than just a bike path and greenery and a way for people to recreate. It is a way to keep the contaminants out of the Creek which is the headwaters of the Clark Fork. Next year the cap on the grants is at \$15 million. We're going to make sure that we have more than \$15 million in grant requests into that program. After that the grants program is going to have \$30 million left and it's going to be put out at \$3 million a year for the next 10 years. Butte and Anaconda are going to have a very difficult time going after those grants because we are going to have to compete.

I also understand that the Governor is going to change the makeup of the Advisory Council. I don't know if I'll still be on the Advisory Council. I've heard that the Advisory Council is going to be shrunk. Right now we have 14 members so it could be smaller than that and I'm just hopeful that we have some good representation on the NRD Advisory Council.

I have been approached by J.D. Lynch. He is requesting that we take a look at him being the lobbyist for our County. If anybody shows an interest in that, would you please contact me and let me know if that's something you want me to move forward with. I would have to bring it before Council. If Council Members do not feel that is something we should move forward with, it's something that I won't bring before the body. The cost would be \$17,000 for the session.

We do have the final draft for the Parks and Recreation Plan. It is being reviewed by the Parks and Recreation Board and will also be placed on our web site.

SECTION I

PUBLIC HEARING

TO SOLICIT COMMENTS REGARDING THE AMENDMENT OF THE FY 2008-2009 BUDGET OF THE CITY AND COUNTY OF BUTTE-SILVER BOW REGARDING FUNDS FROM THE HARD ROCK ECONOMIC DEVELOPMENT FUND. (Communication No. 08-805 being held in Committee of the Whole) Proof of publication was noted and placed on file.

Karen Byrnes, Director of Community Development, gave the staff report. She said they are asking to amend the budget so that they can make the loan to the Rocky Mountain Computer Center that was recently approved by this Council. We need to amend the budget with additional \$75, 000.

Chief Executive opened the public hearing and called for any proponents. On the third and final call there being none he called for any opponents. Again there was no response so he closed the public hearing.

SECTION II

BID OPENING

SEALED BIDS ARE HEREBY INVITED FOR ONE (1) NEW 2008/2009 TANDEM AXLE DUMP TRUCK. (Communication No. 08-812 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Dan Dennehy, Interim Public Works Director opened the following bids.

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| 1. I State Trucking Center, Great Falls, MT | \$134,967.00 |
| 2. I State Trucking Center, Great Falls, MT | \$133,652.00 |
| 3. Tri State Trucking, Billings | \$143,965.00 |
| 4. Freedom Truck, Spokane, WA | \$153,893.00 |

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to send the bids to the Public Works Department for review and report back.

SECTION III

CONSENT AGENDA

- A.
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any “friendly amendments” or Segregations. Commissioner Moodry called for a segregation of Communication 09-13 and also Communication No 09-23. Commissioner Shaw had two “friendly amendments:”. One is on page 5, Item 2 Council Resolution should say 09-3 and the second on page 11 in the Judiciary Committee Meeting Report, Section II Communication No. 08-707. The recommendation is not complete. It should read “Committee recommends that Communication No. 08-707 be held in abeyance and referred to County Attorney’s Office to draft a resolution.

It was then moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a roll call vote of 12 yeas and 0 nays to approve the Consent Agenda, Section A, Items 1 through 4 and Section B, Items 1 through 20 with the exception of No. 11 and No. 20.

Segregation – Communication No. 09-13

Ellen Crain, Archives Director, requesting authorization for Chief Executive to Sign contract with George Everett of Outback Ventures for web page support services.

Commissioner Moodry said he spoke with Ellen Crain today along with Linda Joyce regarding the this communication. Linda had informed me we already have a web page contract in place that administers a lot of our web design and web administration. When I talked to Ellen, she was unaware that this contract was actually in place so hiring Mr. Everett could be a duplication of services. Ellen and Linda Joyce are going to look into this so I make a motion to change the recommendation to “refer to Committee of the Whole.” Commissioner Sheehy seconded the motion and passed with a unanimous verbal vote.

Segregation – Communication No. 09-23

Karen Byrnes, Community Development Director, requesting authorization for Chief Executive to execute loan documents related to the RMSC Loan approved by Council on 12/3/08.

Commissioner Moodry said he wanted to ask Karen a question in relation to our discussion on this in our last meeting as to the concern for the forgiveness of some of the loan pending some of the job credits. I didn’t know if that is something that we have decided to put in this loan document or are we still working through that.

Karen Byrnes said that she understood from the last committee meeting that the number of jobs actually created was not something we were going to put into this document but we were going to hold them to the other conditions of the loan based on their reporting to us of number of jobs created. It would be up to this body to determine what success is. Mr. Moodry said at this juncture we will simply initiate the loan when it comes time for them to meet their milestones that would be the time when this body, and of course staff, would make a recommendation as to whether or not any of that loan would be forgiven. Karen said “That is correct”. Commissioner Moodry moved to concur with the recommendation in Communication No. 09-23 and place the communication on file. Commissioner Lee seconded the motion and it carried with a unanimous verbal vote with Commissioners Foley and Sheehy voting nay.

SECTION IV

COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-8 Paul Babb, Chief Executive, requesting concurrence in promotions to Captain in the Butte-Silver Bow Fire Department.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to concur with the request for promotion to Captain of Charles Janhunnen

Jeff Miller, Director of Fire Services, told of Mr. Janhunnen's record and recommended him for promotion. The Council gave him recognition with a round of applause.

2. 09-10 Toby Day, Butte-Silver Bow Extension Agent, requesting time on 1/7/09 agenda to request action concerning Extension Services Agreement.

Toby Day was not present but Cindi Shaw spoke for him. Toby is out of town in a training seminar. This is a reciprocal agreement with MSU. It's the same kind of contract they've always had with the county. He has to ask for it. The numbers reflect the approved budget for the BSB Extension services that have already been approved. He asked that it be approved tonight.

It was moved by Commissioner Shaw, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve and place on file Communication No. 09-10.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communications No. 09-8

3. 09-14 Paul Babb, Chief Executive, requesting time on 1/7/09 agenda to present Awards of Financial Reporting Achievement to Jeff Amerman and Steve Descharme.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communications No. 09-8 and 09-14 on file.

Chief Executive passed out a press release that summarizes the awards that our county and Mr. Amerman have received. He read it to the council. He passed out the plaques to Jeff Amerman and Steve Descharme.

**SECTION V ORDINANCES AND RESOLUTIONS –
 REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 09-2

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW CLERK AND RECORDER'S OFFICE, ELECTIONS BUDGET, FROM THE MONTANA SECRETARY OF STATE FOR ELECTION JUDGE REIMBURSEMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-3

RESOLUTION RELATING TO \$3,000,000 GENERAL OBLIGATION BONDS, SERIES 2009; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF.

**SECTION VI ORDINANCES AND RESOLUTIONS –
 SUSPENSION OF THE RULES**

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to suspend the rules for the purpose of passing Council Resolution No. 09-1 by waiving Subsection 7 of Rule XXXVI, of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 09-1

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT FROM THE BUTTE-SILVER BOW HOUSING AUTHORITY TO PROVIDE A FULL-TIME POLICE OFFICER ASSIGNED TO THE HOUSING AUTHORITY TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by roll call vote of 12 yeas and 0**

nays to place Council Resolution No. 09-1 on final reading and passed having been deemed fully read at length.

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:15 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER